

AFFIDAVIT

I, David Kyle Frazier, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the iPad cellular device depicted in Attachment A, for the things described in Attachment B.

2. The information contained in this affidavit is based upon the information I have gained from my investigation, my experience and my training and/or information relayed to me by other law enforcement agents and/or their experience and training. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth the facts that I believe are necessary to establish probable cause.

AGENT BACKGROUND

3. I, Law Enforcement Officer David K. Frazier has been a sworn Federal law enforcement Officer for over eighteen years and I am currently assigned as a K-9 Law Enforcement Officer to the USDA Forest Service Law Enforcement and Investigations Division and I work with the Mountain Region Drug and Violent Crimes Task Force. My present post of duty is the Monongahela National Forest, Northern Judicial District of West Virginia to include Randolph County. During my career as a federal law enforcement officer, I have attended the Federal Law Enforcement Training Center in Glynco, Georgia completing the Basic Police Land Management Training Course and the Drug Enforcement Administration's forty hour Title 21 Counter Narcotics Training Course where I received specialized training in the detection and eradication of marijuana, the execution of search warrants, and controlled substance trafficking investigations.

4. I have been a sworn Randolph County Deputy Sheriff since June 7, 2011, within the State of West Virginia. The responsibilities include the investigations of alleged criminal violations of West Virginia State Code and Randolph County Ordinances.

5. I have received training from the Federal Law Enforcement Training Center regarding the investigation of violations of federal law, including violations relating to firearms, controlled substances, and theft of government property. I have also participated in investigations resulting in convictions for such violations. I have received specialized training pertaining to: weapon and drug investigations, conducted by the Alcohol, Tobacco and Firearms Task Force from Salt Lake City, Utah, Multi-Jurisdictional Counterdrug Task Force and the Rocky Mountain HIDTA (High-Intensity Drug Trafficking Areas). I have obtained a West Virginia State Police certificate of training for the completion of Basic Drug Investigations in 2013. I have successfully completed the Operation Pipeline interdiction course of instruction conducted by the United States Drug Enforcement Administration's training staff on April 4, 2014.

6. My duties and responsibilities as a K-9 Law Enforcement Officer with USDA Forest Service are to investigate violations of federal law, which occur within the Monongahela National Forest and the exterior boundaries thereof. My authority further includes areas outside the Monongahela National Forest and its exterior boundaries if the criminal activity under investigation occurred within such areas or affects the administration of such areas. 16 U.S.C. § 559c. Pursuant to my cross-designation with the Randolph County Sheriff's Office, I investigate felony, misdemeanor and petit offenses, and I participate in multi-jurisdiction drug and violent crime investigations within the area of responsibility of the Mountain Region Drug and Violent Crimes Task Force. I have participated in the preparation and execution of search warrants and arrest warrants, and I have participated in investigations of various cases involving violations of controlled substance laws.

PROBABLE CAUSE

7. On Thursday, March 23, 2017 at approximately 14:42 hours, Officer D. K. Frazier who is a USDA US Forest Service Law Enforcement Officer and a Randolph County Deputy Sheriff was on patrol in the area of Harman, in Randolph County, in the Northern District of West Virginia, when Officer Frazier observed a Green in color vehicle fail to stop at the stop sign posted at the intersection of Main Street North (32/5) and State Route 32.

8. The vehicle had a driver and a front seat passenger. Officer Frazier initiated the emergency lights on the marked law enforcement vehicle and conducted a traffic stop on the vehicle. The vehicle displayed WV Registration Plate 1PA106. The vehicle was a Hyundai. The vehicles front seat passenger was a female, later identified as Jenny Mowery. The driver was a male, later identified as Jonathan Allen Mowery.

9. Mr. Mowery was found to be in possession of controlled substances packaged for the intent to distribute the controlled substances, including 2 individually packaged baggies of crystal methamphetamine. Mowery told me that he guessed the rest of the methamphetamine was at his house, and that he could push two eight balls of methamphetamine in two days. From the front passenger floorboard of his vehicle I seized the Apple iPad described in Attachment A.

10. In my experience investigating controlled substance violations, cellular devices/text messaging, as well as, other electronic communication is frequently used to conduct drug transactions. Further, narcotics dealers sometimes delete information from the cellular device to eliminate "evidence" of their crimes. A forensic analysis of the cellular device, however, conducted using computer software designed for that purpose, is able to recover "deleted" data including the text messages, photographs, call history, etc.

CONCLUSION

11. I submit that this affidavit supports probable cause for a warrant to search the cellular device described in Attachment A and seize the items described in Attachment B.

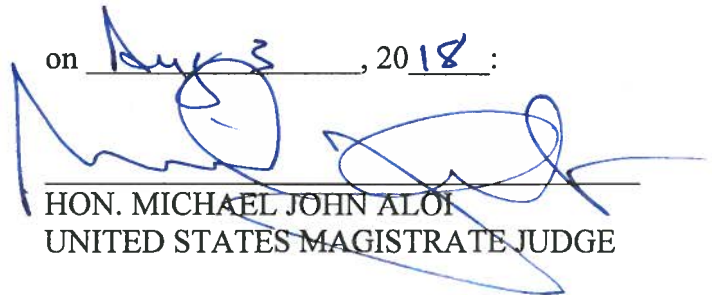
Respectfully submitted,

 8/3/18

David K. Frazier  
K-9 Law Enforcement Officer  
USDA Forest Service

Subscribed and sworn to before me

on Aug 3, 2018:

  
HON. MICHAEL JOHN ALOI  
UNITED STATES MAGISTRATE JUDGE